

10/537826

Rec'd PCTO 08 JUN 2005

PATENT COOPERATION TREATY

PCT

| |
|-------------------|
| REC'D 30 MAR 2005 |
| WIPO |
| PCT |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | |
|--|---|---------------------------------------|
| Applicant's or agent's file reference 83628-BF | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/NO02/00484 | International filing date (day/month/year) 2002-12-17 | Priority date (day/month/year) --- |
| International Patent Classification (IPC) or national classification and IPC G01N 1/31 | | |
| Applicant LJUNG TECH AS ET AL | | |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))
 _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

| | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

| | |
|---|---|
| Date of submission of the demand 02-07-2004 | Date of completion of this report 17-03-2005 |
| Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Faxsimile No. +46 8 667 72 88 | Authorized officer Åsa Malm/ITW Telephone No. +46 8 782 25 00 |

Form PCT/IPEA/409 (cover sheet) (January 2004)

BEST AVAILABLE COPY

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NO02/00484

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

international search (under Rules 12.3 and 23.1(b))
 publication of the international application (under Rule 12.4)
 international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

pages _____ as originally filed/furnished

pages* _____ as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the drawings:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to the sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NO02/00484

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|--------------|-----|
| Novelty (N) | Claims | <u>1 - 7</u> | YES |
| | Claims | _____ | NO |
| Inventive step (IS) | Claims | <u>1 - 7</u> | YES |
| | Claims | _____ | NO |
| Industrial applicability (IA) | Claims | <u>1 - 7</u> | YES |
| | Claims | _____ | NO |

2. Citations and explanations (Rule 70.7)

The following documents were cited in the International Search Report:

D1: US 2001019703 A1
 D2: US 5601650 A
 D3: JP 4279868 A (abstract)

The invention claimed is a staining machine for treatment of tissue specimens on slides. In order to reduce the length of the machine the baths of the machine are placed in two rows instead of one row, which considerably reduces the length of the machine.

D1 describes an automatic stainer for staining specimens that are arranged on specimen slides placed in baskets (abstract). The machine includes two rows of baths placed parallel to each other and transporting devices (16, 17, 7) for transportation of the baskets. The transporting devices have a pair of cheeks (16, 17) extending along respective sides of the bath rows and a device (7) for lifting and lowering of the cheeks (16, 17) for successive movement of the baskets from bath to bath.

D2 describes a staining machine for staining specimens placed on slides. The machine comprises two parallel rows of baths into which the slides are lowered. The slides are arranged in slide holders (14). The machine comprises a transporting device (120, 122) for transporting the slide holders to the baths. The input station (38) and the output station (40) are situated next to each other (fig. 1).

.../...

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.

PCT/NO02/00484

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: **BOX V**

D3 describes an automatic staining machine where the baths have been placed in two rows parallel to each other in order to make the machine smaller. A transporting device transports the samples to the baths (abstract).

Documents D1-D3, cited as category X in the International Search Report, have been reconsidered to define the general state of the art. The invention defined in claims 1-7 is not disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed staining machine. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-7 is novel and is considered to involve an inventive step. The invention is industrially applicable.